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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MURPHY, RHONDA L	

ART UNIT	PAPER NUMBER
2667	8

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/755,706	JIMENEZ ET AL.	
	Examiner	Art Unit	
	Rhonda L Murphy	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6,7,10-14* is/are rejected.

7)☒ Claim(s) *2-5 and 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4,5*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informality: Line 22 of page 10 refers to a buffer designated as 150b. Figures 3a and 3c of the drawings show a buffer as 150a. It is suggested to change "150b" in the specification to read "150a".

Appropriate correction is required.

Claim Objections

2. Claim 10 is objected to because of the following informality: Two periods are placed at the end of claim 10. One period should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1,6,7,10 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US 6,718,015), in view of Ball et al. (US 6,600,736), hereinafter referred as Ball.

Regarding claim 1, Berstis teaches a method for using an audio input from a telephony device to perform an action on an Internet Protocol network (col. 2, lines 5-7), the

method comprising: providing a telephony interface module (**processor 18**, Fig. 2); and receiving a signal at the telephony interface module from a second module (second module comprising **OS 20, Browser 16, Text-to-Speech 25 and Voice Recognizer 21**, Fig. 2) in communication with the telephony interface module (as depicted in Fig. 2).

Berstis fails to teach the following limitations taught by Ball: receiving at the telephony interface module from the telephony device a first packet signal (Fig. 2, items **205-telephone/IP server** and **201-end user of telephone**; Fig. 3A, **step 301**, col. 10, lines 52-55) conforming to a telephony packet protocol (note that a packet signal transmitted within a telephone/IP server is in a packet-based form, thus conforming to a telephony packet protocol); (i) a second packet signal conforming to an IP (Fig. 3A, **step 303**; the second packet signal received by the telephone/IP server is transmitted over IP network, thus conforming to an IP), the second packet signal having an audio portion and (ii) a command (Fig. 3A, **step 303, 304**; col. 10, lines 59-64); routing the first packet signal in accordance with the received command (Fig. 3A, **step 305**; col. 10, lines 64-67); converting, in the telephony interface module, the second packet signal to a third packet signal (Fig. 3A, **step 306**; col. 11, lines 1-3) conforming to a telephony packet protocol (the signal conforms to a telephony packet protocol as previously stated), and including an audio portion (the "played" signal represents the audio portion; col. 11, line 8) and transmitting the third packet signal to the telephony device (**the telephone/IP server "plays" the page to the end user**; col. 11, lines 7-9). Both Berstis and Ball teach a telephone server, Ball's server being a telephone/IP server.

In view of this, having the method of Berstis and then given the teachings of Ball, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to incorporate Berstis' telephone server with Ball's telephone/IP server to perform an action on the IP network, and performing as a gateway, in which the first packet signal received at the telephony interface module (or telephone server) conformed to a telephony packet protocol. The motivation to combine the teaching is to receive the advantage of utilizing the gateway for the packet signal transmission.

Regarding claim 6 and 7, the combined method of Berstis and Ball teaches all aspects of the claimed invention set forth in the rejection of claim 1 as described above, and Ball further teaches using a telephony gateway (depicted as **telephone/IP server 205** in Fig. 2) to convert an audio signal from a circuit switched signal (col. 5, lines 60-63) to the first packet signal conforming to a telephony packet protocol and having an audio portion. In addition, Ball further teaches using a telephony gateway to convert the third packet signal to a circuit switched signal (col. 11, lines 1-3; it is known in the art that a gateway performs the conversion between circuit switched signals and packet signals) thereby generating an audio signal receivable by the telephony device over the PSTN (col. 11, lines 7-9).

Regarding claim 10, Berstis teaches an audio web telephone system comprising a telephone server in communication with a PSTN, an Internet protocol network (see Fig. 2); an audio browser in communication with the telephone server (Fig. 2 illustrates browser 16 in connection with the telephone server) to receive the telephony packet

protocol signal and in communication with the IP network, (Fig. 2 and 4, col. 1, lines 63-64; col. 2, lines 5-22).

Berstis fails to teach the system comprising a telephony gateway in which the telephone gateway a) receives a circuit switched signal from a telephony device over the PSTN and b) converts the circuit switched signal to a telephony packet protocol signal having an audio portion.

However, Ball teaches the above-mentioned limitations. In particular, Ball teaches a telephony gateway (telephone/IP server) that receives **a circuit switched signal from an end user of a telephone set over the PSTN** (col. 5, lines 60-63); and converts the circuit switched signal to a telephony packet protocol signal (as it is known in the art for the conversion to occur for transmission over an IP network) having an audio portion (spoken input from end user).

In view of this, having the method of Berstis and then given the teachings of Ball, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to incorporate Berstis' telephone server with Ball's telephony gateway (telephone/IP server) to enable the receipt and conversion of the circuit switched signal within the gateway. The motivation to combine the teaching is to obtain the benefit of routing and converting the signal within the gateway.

Regarding claim 11, the combined system of Berstis and Ball teaches all aspects of the claimed invention set forth in the rejection of claim 10 as described above, and Berstis further teaches an audio browser further comprising: a voice XML browser; (browser 16 of Fig. 2; **Web content is typically formatted according to a given**

markup language (e.g., HTML, XML or the like) col. 8, lines 7-10; also col. 2, lines 17-18); a navigation module; a content retrieval module (the navigation module and content retrieval module are represented by both **voice recognizer 21** and **text-to-speech 25** of Fig. 2; col. 2, lines25-38; col. 6, lines 38-41); and a telephony interface module (Fig. 2 **processor 18**).

Regarding claim 12, the combined system of Berstis and Ball teaches all aspects of the claimed invention set forth in the rejection of claim 10 as described above, and Berstis further teaches web cache (Fig. 4 item 44; **information may be provided to the caller as the Web page is being retrieved. The retrieved page is then stored at step 44 for further processing** col. 4, lines 62-65).

Regarding claim 13, the combined system of Berstis and Ball teaches all aspects of the claimed invention set forth in the rejection of claims 10 and 11 as described above, and Berstis further teaches the navigation module comprising one of speech recognition module and touch tone (DTMF) recognition module (**includes a dual tone multifrequency ("DTMF") detector and a voice detector**, Fig. 2 and col. 2, lines 26-27).

Regarding claim 14, the combined system of Berstis and Ball teaches all aspects of the claimed invention set forth in the rejection of claims 10 and 11 as described above, and Berstis further teaches the content retrieval module comprising one of text-to-speech module and streaming media module (Fig. 2 and col. 2, lines 25-26; col. 8, lines 5-10).

5. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis and Ball as applied to claim 1 above, and further in view of Cave et al (US 6,404,746), hereinafter referred as Cave. Berstis and Ball, as modified, disclose a method for receiving a first packet signal conforming to a telephony packet protocol, as stated in the rejection of claim 1.

Berstis and Ball do not explicitly disclose the method of claim 8 wherein the telephony packet protocol conforms to one of a H.323 and a SIP communications standard. However, Cave teaches a method for a packet voice response unit, which utilize packet network protocols, such as H.323 and SIP standard (col. 6, lines 53-57; col. 21, lines 42-48).

In view of this, having the system of Berstis, in combination of Ball, and then given the teachings of Cave, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the method of Berstis, by utilizing one of H.323 and SIP standard, so as to provide enhanced services in a packet network (Cave, col. 6, lines 56-57), including call placement, progress and termination functions (Cave, col. 7, lines 1-3).

Allowable Subject Matter

6. **Claim 2-5, 9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior arts do not teach the routing of the first packet signal to a navigation module in communication with the telephony interface module; converting, in the navigation module the audio portion of the first packet signal

to a text equivalent signal; converting, in the telephony interface module, the text equivalent signal to an IP network command signal and using the IP network command signal to retrieve a document from the IP network, as required by claim 2. Claims 3-5 are variously dependent from claim 2 and therefore, similarly include allowable subject matter. Furthermore, the prior arts do not teach generating, in the telephony device, the first packet signal conforming to a telephony packet protocol and having an audio portion, as required by claim 9.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited: US Patent 5,953,392 Rhie et al., US Patent 6,240,448 Imielinski et al., US Patent 6,144,667 Doshi et al., and US Patent 6,233,318 Picard et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda L Murphy whose telephone number is (703) 308-9557. The examiner can normally be reached Monday - Friday, between 8:00 – 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703) 305-4798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rlm

RICKY NGO
PRIMARY EXAMINER